

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE

ROBERT ECHOLS,	)	
	)	
Petitioner,	)	
	)	
v.	)	No.: 3:21-CV-182-TAV-HBG
	)	
BERT BOYD,	)	
	)	
Respondent.	)	

**MEMORANDUM OPINION**

The Court is in receipt of a motion for leave to proceed *in forma pauperis* [Doc. 1] and a pro se petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 in which Petitioner, a prisoner of the Tennessee Department of Correction housed in the Northeast Correctional Complex (“NECX”), seeks habeas corpus relief from robbery and burglary convictions in Shelby County, Tennessee [Doc. 2 p. 1]. For the reasons set forth below, this action will be **TRANSFERRED** to the Western Division of the United States District Court for the Western District of Tennessee.

While Petitioner is currently incarcerated in NECX, which is located within this District, his petition challenges convictions in Shelby County, Tennessee [*Id.*], which lies within the Western Division of the United States District Court for the Western District of Tennessee. 28 U.S.C. § 123(c)(2). Under 28 U.S.C. § 2241(d), a petitioner may file a habeas corpus petition in the district where his judgment was entered or in the district where he is incarcerated. Thus, venue for this § 2254 petition is proper both in this District and in the Western District of Tennessee.

However, Petitioner's place of confinement may change, while the location of the entry of his judgment of conviction will remain constant, and a court may transfer a case to another district "in the interest of justice." 28 U.S.C. § 1406(a). Accordingly, the consistent practice in the Tennessee federal courts is to transfer habeas petitions to the district in which the convicting court is located. *Anderson v. Mays*, No. 3:18-CV-00550, 2018 WL 9811901, at \*2 (M.D. Tenn. Aug. 8, 2018).

For these reasons, the Clerk will be **DIRECTED** to transfer this action to the Western Division of the United States District Court for the Western District of Tennessee and to close this Court's file.

**AN APPROPRIATE JUDGMENT ORDER WILL ENTER.**

**ENTER:**

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE